

**Avondale Industries, Inc. and New Orleans Metal Trades Department, AFL-CIO.** Cases 15-CA-14326, 15-CA-14327, and 15-RC-7767

November 30, 1999

**SUPPLEMENTAL DECISION AND ORDER**

BY CHAIRMAN TRUESDALE AND MEMBERS FOX AND HURTGEN

On April 29, 1997, the National Labor Relations Board issued an unpublished Decision and Certification of Representation in Case 15-RC-7767. The Board found that a majority of the valid ballots in an election held June 25, 1993, had been cast for New Orleans Metal Trades Department, AFL-CIO, and certified it as the exclusive bargaining agent of the employees in an appropriate unit of all production and maintenance employees at the Respondent's Avondale, Algiers, and Westwego, Louisiana locations. On October 22, 1997, the Board granted the General Counsel's Motion for Summary Judgment, and found that the Respondent had violated Section 8(a)(5) and (1) of the Act and ordered the Respondent to recog-

nize and bargain with the Union. On July 7, 1999, the United States Court of Appeals for the Fifth Circuit issued a decision vacating the Board's bargaining order and remanding the proceeding to the Board with instructions to set aside the election.<sup>1</sup> On October 12, 1999, the Board advised the parties that it had accepted the remand and would take appropriate action consistent with it.

The Board has delegated its authority in this proceeding to a three-member panel.

The Board has accepted the court's opinion as the law of the case. In accord with that opinion, the Board has decided to revoke the Union's certification and to remand the case to the Regional Director for further appropriate action.

**ORDER**

It is ordered that the certification issued in Case 15-RC-7767 be vacated, and that the case be remanded to the Regional Director for further appropriate action.

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<sup>1</sup> *Avondale Industries v. NLRB*, 180 F.3d 633 (5th Cir. 1999).